

SEP 29 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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8 UNITED STATES DISTRICT COURT

9 NORTHERN MARIANA ISLANDS

10) Criminal Case No. 00-00018-001
11 UNITED STATES OF AMERICA)
12 vs.) GOVERNMENT'S MEMORANDUM IN
13 EPITACIO L. LUMACTOD,) OPPOSITION TO DEFENDANT'S
14 Defendant.) MOTION FOR EARLY TERMINATION OF
) PROBATION TERM
Date: October 13, 2005
Time: 9:00 a.m.

15
16 COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel,
17 Leonardo M. Rapadas, United States Attorney, and Timothy E. Moran, Assistant United States Attorney,
18 and hereby files its memorandum in opposition to defendant Epitacio L. Lumactod's motion to amend
19 judgment for early termination of probation term. The Government requests the Court deny the motion
20 because, by satisfactorily complying with the terms of probation thus far, the defendant has done no
21 more than he is obliged to do and does not thereby deserve a reduction in the Court's sentence.

22 The Government does not dispute that the defendant currently meets the terms of his probation,
23 including payment of his fine, fee and costs. The defendant has also completed approximately three
24 fifths of his period of probation. However, the defendant has done only what he is required to do under
25 the terms of the Court's sentence. He has not exceeded the terms of his probation.

The Court's sentence was intended, in part, to punish the defendant. The defendant has not demonstrated why he should be released from part of his punishment simply because he has done only what he is required to do. In addition, the sentence was intended to prevent further criminal acts. To the Government's knowledge, the defendant still works as a contractor, in a field where he might encounter further opportunities for bribery. Accordingly, the Government opposes the defendant's motion for early termination of his probation.

The Government understands that the defendant seeks to terminate his probation early so that he would not have to notify Probation every time he has to travel to Guam for work, among other reasons. The Government would not object to amending the terms of his probation to make this requirement less onerous to the defendant.

Dated: September 29, 2005
Saipan, CNMI

Respectfully submitted,

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and the NMI

By:

TIMOTHY E. MORAN
Assistant United States Attorney